

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 23, 2020

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Murphy Kay Polk, III Case Number: 0980 1:14CR02016-TOR-1

Address of Offender: Wapato, Washington 98951

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, Chief U.S. District Judge

Date of Original Sentence: October 14, 2014

Original Offense: Abusive Sexual Contact, 18 U.S.C. §§ 1153 and 2244(a)(2), 2244(c)

Original Sentence: Prison - 366 days; Type of Supervision: Supervised Release
TSR - 60 months

Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: July 9, 2015

Defense Attorney: Jennifer R. Barnes Date Supervision Expires: July 8, 2020

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

1 **Special Condition #17:** Defendant shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing (which may include urinalysis or sweat patch) as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Murphy Polk is considered to be in violation of his conditions of supervised release by using marijuana on or about October 31, 2019.

Mr. Polk's conditions were reviewed with him on July 30, 2015. He signed his conditions acknowledging an understanding of his conditions which includes special condition number 17, as noted above.

On November 1, 2019, a U.S. probation officer contacted Mr. Polk at his residence. During the home visit, Mr. Polk provided a presumptive positive urinalysis test for marijuana. After providing the urinalysis test, Mr. Polk admitted to consuming marijuana the previous night. The specimen was sent to Alere Toxicology Services (Alere) for confirmation. On November 6, 2019, the probation office received the test results from Alere which confirmed a positive test for the presences of marijuana.

- 2 **Special Condition #18:** Defendant shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer) as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Murphy Polk is considered to be in violation of his conditions of supervised release by consuming alcohol on or about October 31, 2019.

Mr. Polk's conditions were reviewed with him on July 30, 2015. He signed his conditions acknowledging an understanding of his conditions which includes special condition number 18, as noted above.

On November 1, 2019, a U.S. probation officer contacted Mr. Polk at his residence. During the home visit, empty beer cans were observed in the yard at his residence. Mr. Polk provided a Breathalyzer test which tested positive for alcohol at a level of .066. After proving the Breathalyzer test, Mr. Polk admitted to consuming alcohol.

- 3 **Mandatory Condition # 2:** The defendant shall not commit another federal, state or local crime.

Supporting Evidence: Murphy Polk is considered to be in violation of his conditions of supervised release by committing a new crime on January 14, 2020. Mr. Polk was charged with Disturbing the Peace, in violation of Revised Yakama Code (RYC) 10.01.177 with a domestic violence enhancement.

Mr. Polk's conditions were reviewed with him on July 30, 2015. He signed his conditions acknowledging an understanding of his conditions which includes mandatory condition number 2, as noted above.

According to the Yakama Nation Police Department (YNPD) narrative for incident number 20-000379, the following occurred: On January 14, 2020, YNPD received a call from Mr. Polk's sister who wanted to report that Mr. Polk was intoxicated and trying to break into the residence. Mr. Polk broke the window to the garage where she and her four children stay. When YNPD arrived, they were unable to locate Mr. Polk and left the location.

Approximately 1 hour later, YNPD received another call from Mr. Polk's family and they reported Mr. Polk was passed out under the kitchen table. YNPD contacted Mr. Polk and woke him up. Mr. Polk had dried blood on his hands and blood on his clothing. Mr. Polk explained that he punched through the window to the garage. He appeared to be highly intoxicated due to the smell of intoxicants coming from his breath when he spoke. His speech was also slurred and he was having trouble walking.

YNPD charged Mr. Polk with disturbing the peace with a domestic violence enhancement. Mr. Polk was not arrested because he was too intoxicated to be booked into jail. Mr. Polk's next court date at Yakama Tribal Court is unknown at this time.

- 4 **Special Condition #18:** Defendant shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer) as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Re: Polk, Murphy Kay

January 23, 2020

Page 3

Supporting Evidence: Murphy Polk is considered to be in violation of his conditions of supervised release by consuming alcohol on or about January 14, 2020.

Mr. Polk's conditions were reviewed with him on July 30, 2015. He signed his conditions acknowledging an understanding of his conditions which includes special condition number 18, as noted above.

On January 17, 2020, Mr. Polk reported to probation as instructed. Mr. Polk admitted to consuming alcohol, a pint of whiskey and several beers, on January 14, 2020.

- 5 **Special Condition #17:** Defendant shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing (which may include urinalysis or sweat patch) as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Murphy Polk is considered to be in violation of his conditions of supervised release by using marijuana on or about January 14, 2020.

Mr. Polk's conditions were reviewed with him on July 30, 2015. He signed his conditions acknowledging an understanding of his conditions which includes special condition number 17, as noted above.

On January 17, 2020, Mr. Polk reported to probation as instructed. Mr. Polk admitted to consuming marijuana on January 14, 2020.

- 6 **Standard Condition # 6:** The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.

Supporting Evidence: Murphy Polk is considered to be in violation of his conditions of supervised release by changing his address and not immediately notifying probation as of January 23, 2020.

Mr. Polk's conditions were reviewed with him on July 30, 2015. He signed his conditions acknowledging an understanding of his conditions which includes standard condition number 6, as noted above.

On January 17, 2020, the Yakama Tribal Court issued a temporary restraining order restricting Mr. Polk from living at 191 Hoffer Road in Wapato, Washington. On January 22, 2020, Mr. Polk sent this officer a text message stating he was staying with a clean and sober friend on Progressive Road in Wapato, Washington. Mr. Polk did not provide an exact address of where he was staying.

On January 22, 2020, Mr. Polk's mother confirmed that her son no longer resides at 191 Hoffer Road due to the temporary restraining order. She could not provide an exact address of where Mr. Polk was staying. Efforts to contact Mr. Polk have been made with negative results.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegations contained in this petition.

Re: Polk, Murphy Kay

January 23, 2020

Page 4

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 23, 2020

s/Phil Casey for

Nick Bazan

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Thomas O. Rice

Chief United States District Judge

Signature of Judicial Officer

January 23, 2020

Date